



San Gabriel & Lower Los Angeles RIVERS AND MOUNTAINS CONSERVANCY

CALIFORNIA RESOURCES AGENCY

Governing Board of the Conservancy

December 15, 2008

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State Water Resources Control Board

Hon. Tam M. Doduc, Chair
1001 I Street
Sacramento, CA 95814

Re: Comments on CAA and SEP Policy Changes

Dear Ms. Doduc and Members of the Board,

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) is grateful for the opportunity to provide comments on the State Water Resources Control Board's (Board's) Draft Policies on Supplemental Environmental Projects [SEP] and the Use of the ... Cleanup and Abatement Account [CAA] for Regional Water Quality Improvement Projects. The mission of the RMC, an independent agency within the Resources Agency of the State of California, is to preserve urban open space and habitats in order to provide for low-impact recreation and educational uses, wildlife and habitat restoration and protection, and watershed improvements within our jurisdiction. Among the watershed improvements of interest to the RMC are, of course, water quality improvements.

The goals of the RMC are described in *Common Ground*, the Conservancy's Watershed and Open Space Plan, which may be found at <http://www.rmc.ca.gov/plan/intro.html>. The Plan presents a simple vision for the future: **restore balance between natural and human systems in the watersheds**. The centerpiece of the Plan is a series of Guiding Principles that cities, federal, state and local agencies, communities, groups and individuals can use to plan preservation, restoration and establishment of future open space, water resources, and habitat projects. More than 60 cities in Los Angeles County have adopted this document.

The RMC has reviewed the companion draft policies and has the following comments:

- The intent of the policy to direct 50 percent of CAA funds to regional water quality improvement projects that would otherwise be unfunded, has merit. To the extent potential water quality improvement projects are unfunded within SWRCB Regions and


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are not the target of SEPs, this policy change should give Regional Boards more ability to direct funding to those projects.

- In creating the set-aside for Regional Water Quality Improvement Projects, the draft policy shifts more authority to the Regional Boards for directing the use of discretionary funds to projects. Coupled with the draft policy's condition that funds dedicated to SEP projects would be deducted from the CAA funds available to the Regional Board, the policy seems to create a strong disincentive for Regional Boards to approve SEPs. The Board may want to consider whether SEPs have filled a need that would potentially go unmet by this shift in incentives for the Regional Boards.
- One area in which SEPs have figured prominently is public information and education projects. Some forms of pollution, especially from non-point sources, may require extensive social behavioral changes to prevent. Such changes in behavior seem most likely to result from very well-funded social marketing efforts, and the public information and education projects that have been largely funded by SEPs are the closest thing we have seen to what is needed. The draft SEP policy lists several examples of qualifying projects, but only mentions "education projects" in a footnote reserving the right of the State Board to disburse funds from the CAA. The appearance is that SEP funds could not, or at least would be unlikely to, be used for public education efforts. We suggest that the Board clarify the intent of the draft policies with respect to social marketing/public information and education projects: whether they qualify for either source of project funding, and if so, which one. We also recommend that public information and education remain a viable type of project within the SEP policy as well as the proposed Regional Water Quality Improvement Projects using CAA funds.

In closing, the Rivers and Mountains Conservancy shares an interest in the State Board's mission, and wishes you success in crafting policies that make the greatest improvement to the quality of the State's waters. Thank you for your consideration of these comments. If you have any questions, please contact the RMC's Director of Water Policy, Tim Worley at 626-815-1019, extension 107, or at tworley@rmc.ca.gov.

Sincerely,


Belinda V. Faustinos
Executive Officer